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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE 12/09/2003 CAM3-PT011.1 3561 10/731,349 Mario Meggiolan **EXAMINER** 3624 7590 02/22/2005 VOLPE AND KOENIG, P.C. BELLINGER, JASON R UNITED PLAZA, SUITE 1600 PAPER NUMBER ART UNIT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103 3617

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<del></del>	Application No.	Applicant(s)	
Office Action Summary	10/731,349	MEGGIOLAN, MARIO	Š
	Examiner	Art Unit	
	Jason R Bellinger	3617	
The MAILING DATE of this communication ap			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPITHE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a re  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the maili earned patent term adjustment. See 37 CFR 1.704(b).	. 136(a). In no event, however, may a reply be tin ply within the statutory minimum of thirty (30) day of will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE.	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on			
2a) ☐ This action is FINAL. 2b) ☑ Th	is action is non-final.		
3) Since this application is in condition for allow	ance except for formal matters, pro	osecution as to the merits is	
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.	
Disposition of Claims			
4) Claim(s) is/are pending in the applicat	ion.		
4a) Of the above claim(s) is/are withdr			
5) Claim(s) is/are allowed.			
6) Claim(s) is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and	or election requirement.		
Application Papers			
9) The specification is objected to by the Examir	ner.		
10) ☐ The drawing(s) filed on is/are: a) ☐ ac	cepted or b) objected to by the	Examiner.	
Applicant may not request that any objection to th	e drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the corre			
11)☐ The oath or declaration is objected to by the B	Examiner. Note the attached Office	Action or form PTO-152.	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. § 119(a	)-(d) or (f).	
a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority docume	nts have been received.		
2. Certified copies of the priority documer		ion No	
3. Copies of the certified copies of the pri	ority documents have been receive	ed in this National Stage	
application from the International Bure	au (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a lis	st of the certified copies not receive	ed.	
Attachment(s)	•		
1) Notice of References Cited (PTO-892)	4) Interview Summary		
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0-Paper No(s)/Mail Date</li> </ul>	Paper No(s)/Mail D		

## Response to Request

1. Applicant's request for reconsideration of the finality of the rejection of the last

Office action, set forth via phone on 14 February 2005, is persuasive and, therefore, the

finality of that action is withdrawn.

## Allowable Subject Matter

2. The indicated allowability of claims 3 and 11, which have been incorporated into claims 1 and 9, is withdrawn in view of reconsideration of the reference(s) to Dietrich and Baker. Rejections based on the reconsidered reference(s) follow.

#### Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-2, 4-9, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich ('293) in view of Baker. In Figure 4, Dietrich shows a spoke bicycle wheel having a hub 72 with a first securing portion 74 spaced apart from a second securing portion 76 in the direction of the longitudinal axis of the hub 72, and a rim 78. A plurality of spoke groups made up of four spokes (namely two adjacent radial spokes 80 and a pair of oppositely oriented tangential spokes 82) connects the rim 78 to the hub 72.

Two spokes in each spoke group are attached to the first portion 74 of the hub 72 (namely the radial spokes 80), while the remaining spokes are attached to the second portion 76 of the hub 72 (namely the tangential spokes 82).

The spokes of each group include at least one radial spoke 80 and the remaining spokes are non-radial 82. The points of attachment on the rim 78 for the spokes of each radial member 80 are mutually equidistant around the circumference of the rim 78. The spoke of each group includes at least one spoke in a clockwise orientation, and at least one spoke in a counter-clockwise orientation. The total number of spokes on the wheel oriented in the clockwise direction is the same as the total number of spokes on the wheel oriented in the counter-clockwise direction.

The plurality of spoke groupings are assembled to the hub 72 and rim 78, with two spokes in each group attached to the first portion 74 of the hub 72 and the remaining two spokes in each group attached to the second portion 76 of the hub 72. The spokes are then tensioned to achieve centering of the wheel 70.

The hub 72 is elongated with the spaced apart first and second securing portions (74 and 76, respectively) that each defines a plurality of spoke receiving apertures, which are circumferentially spaced about the central axis of the hub 72. The rim 78 includes a plurality of spoke receiving apertures defined therein. The spokes are attached through the apertures in both the hub 72 and the rim 78.

It is believed that each spoke grouping is equidistantly spaced from each adjacent spoke grouping, due to the fact that the wheel would be unbalanced and thus

Page 4

Art Unit: 3617

would not function properly if the spoke groupings were *not* equidistantly spaced from adjacent spoke groupings. However, the Dietrich reference does not specifically set forth this limitation.

The Baker reference specifically teaches the fact that the spoke groupings **a**, **b**, and **c** are equidistantly arranged about the hub (see lines 80-83). Therefore from this teaching, it would have been clear to one of ordinary skill in the art at the time of the invention that the spoke groupings of Dietrich would be equidistantly spaced from each adjacent spoke grouping to provide balance and stability to the wheel.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger

Examiner

Art Unit 3617

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